

BILL ANALYSIS

Senate Research Center

S.B. 618
By: Shapleigh
Education
7/10/2003
Enrolled

DIGEST AND PURPOSE

Currently, the Texas Public School Accountability System uses scores on the Texas Assessment of Academic Skills and dropout rates to rank schools as exemplary, recognized, acceptable, or low performing; attendance rates were included as a factor until 2002. Between 1994 and 2002, the number of low performing schools more than tripled, increasing from 54 to 149 campuses, including charter schools and alternative education programs. In 2001-2002, nearly 70,000 students attended public schools rated as low performing. Reconstituting schools that rank as low performing for two years or more is one of the five corrective actions required by the No Child Left Behind Act and is supported by the American Association of School Administrators.

S.B. 618 requires the commissioner of education to reconstitute any campus rated as low performing for two consecutive years, removing closure of the school program as one of the possible penalties. S.B. 618 provides that a special campus intervention team would decide which educators to retain; those not retained would be assigned to another position in the district. These changes will take effect during the 2005-2006 school year. S.B. 618 also requires the Texas Education Agency to report campus performance by August 1 each year and includes as a prerequisite to receive a public education grant or authorization to change schools within the district that the student is assigned to a public school campus that has been considered at any time to be low performing. The bill also provides for a board of managers, appointed by the commissioner of education, to take over the powers of the board of trustees of the district for a period of time. These changes take effect during the 2004-2005 school year.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 7.056(f), Education Code, to make a conforming change in accordance with SECTION 5, in which Section 39.132 (Sanctions for Campuses) is created out of existing text.

SECTION 2. Amends Section 12.013(b), Education Code, to make a conforming change in accordance with SECTION 5, in which Section 39.132 (Sanctions for Campuses) is created out of existing text.

SECTION 3. Amends Section 29.202(a), Education Code, to include in the prerequisite for a student to be eligible to receive a public education grant or change schools within the student's district, that the student is assigned to a public school campus that was at any time considered, rather than identified as, low-performing under Section 39.132, rather than Subchapter D, Chapter 29.

SECTION 4. Amends Section 39.072(c), Education Code, to include the deadline of not later than August 1 of each year, for the Texas Education Agency to report each district campus's and open-enrollment charter school's performance.

SECTION 5. Amends Subchapter G, Chapter 39, Education Code, by amending Section 39.131 and adding Sections 39.132-39.138, as follows:

Sec. 39.131. New heading: SANCTIONS FOR DISTRICTS. (a) Authorizes the commissioner of education (commissioner) to appoint a conservator, rather than a master, to oversee the operations of the district.

(b) Redesignates Subdivision (a-1) as Subsection (b). Makes a conforming change.

Sec. 39.132. SANCTIONS FOR CAMPUSES. Creates this section from existing text. (a) Redesignated from Subsection (b). Creates Subdivisions (2)(A) and (2)(B) from existing text. Deletes redundant wording. Deletes wording referring to school closures. Makes nonsubstantive changes.

(b) Requires the commissioner to reconstitute a campus that has been low-performing for two consecutive years or more. Requires a special intervention team to decide which educators will be retained. Provides that if an educator is not retained, the educator will be assigned to another position within the district.

(1) Authorizes the educator's employment with the school district to be terminated under Section 21.157 (Necessary Reduction of Personnel), if applicable.

(2) Authorizes the educator to be assigned to another position in the district.

Sec. 39.133. ANNUAL REVIEW. Creates this section from existing text. Deletes references to the section, replacing it with reference to subchapter.

Sec. 39.134. COSTS PAID BY DISTRICTS. Creates this section from existing text. Makes a conforming change.

Sec. 39.135. CONSERVATOR OR MANAGEMENT TEAM. Creates this section from existing text. Creates Subsections (a) - (c) from existing text. Specifies that provisions for an implementation of action are made under Section 39.131(a)(9), not Subsection (a)(9). Makes conforming changes.

Sec. 39.136. BOARD OF MANAGERS. Creates this section out of existing text. (a) Makes conforming changes.

(b) Provides that the powers of the board of trustees of the district are suspended for the period of time a commissioner-appointed board of managers governs a district. Requires the commissioner to appoint a district superintendent. Authorizes the board of managers to amend the district budget, notwithstanding any other provision of this code.

(c) Provides that the powers of the board of trustees of the district in relation to the campus are suspended for the period of time a commissioner-appointed board of managers governs a district. Requires the commissioner to appoint a principal. Authorizes the board of managers to submit proposed amendments to the district budget that benefit the campus to the commissioner, notwithstanding any other provision of this code. Requires the board of trustees of the district to adopt any commissioner-approved amendments.

(d) Creates this subsection from existing text. Makes a conforming change.

(e) Creates this subsection from existing text. Specifies that an appointed board of managers' jurisdiction is a district.

Section 39.137. SPECIAL CAMPUS INTERVENTION TEAM. Creates this section from existing text. Makes a conforming change.

Sec. 39.138. IMMUNITY FROM CIVIL LIABILITY. Creates this section from existing text. Makes conforming changes.

SECTION 6. Amends Section 302.006(c), Labor Code, to make a conforming change.

SECTION 7. (a) Provides that except as provided by Subsection (b), this Act applies beginning with the 2004-2005 school year.

(b) Provides that Section 39.132(b) of this Act applies beginning with the 2005-2006 school year.

SECTION 8. Effective date: September 1, 2003.